

Christina Chung, State Bar No. 194630
 Matthew Goldberg, State Bar No. 240776
 Carole Vigne, State Bar No. 251829
 THE LEGAL AID SOCIETY –
 EMPLOYMENT LAW CENTER
 600 Harrison Street, Suite 120
 San Francisco, CA 94107
 Telephone: (415) 864-8848
 Facsimile: (415) 864-8199

Hillary Ronen, State Bar No. 228606
 Rocio Avila, State Bar No. 252719
 LA RAZA CENTRO LEGAL, INC.
 474 Valencia Street, Suite 295
 San Francisco, CA 94103
 Telephone: (415) 575-3500
 Facsimile: (415) 255-7593

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

VILMA SERRALTA,

Plaintiff,

v.

SAKHAWAT KHAN; ROOMY KHAN; and
 DOES ONE through TEN, inclusive,

Defendants.

) No. C 08-01427 EDL
)
) **DECLARATION OF CHRISTINA N.**
) **CHUNG IN SUPPORT OF PLAINTIFF'S**
) **REPLY TO DEFENDANTS'**
) **OPPOSITION TO MOTION FOR LEAVE**
) **TO CONDUCT LIMITED EXPEDITED**
) **DISCOVERY AND TO PERMIT ENTRY**
) **AND INSPECTION OF LAND AND**
) **TANGIBLE THINGS**
)
) [Fed. R. Civ. P. 26(d) and 34(a)(2)]
)
)
) Honorable Elizabeth D. Laporte
) Hearing Date: May 28, 2008
) Time: 2:30 p.m.
) Place: Courtroom E, 15th Floor

1 I, CHRISTINA N. CHUNG, declare:

2 1. I am an attorney at the Legal Aid Society – Employment Law Center and am duly
3 licensed to practice before this Court. I am one of the attorneys for the Plaintiff in the case,
4 *Serralta v. Khan*, Case No. C 08-01427 EDL. I make this declaration in support of Plaintiff's
5 Reply to Defendants' Opposition to the Motion for Leave to Conduct Limited Expedited
6 Discovery and to Permit Entry and Inspection of Land and Tangible Things. I make this
7 declaration based on my personal knowledge. If called as a witness, I could and would testify
8 thereto.

9 2. Throughout the course of several phone conversations and email exchanges, I met
10 and conferred with Elizabeth Tippet, of Wilson, Sonsini, Goodrich & Rosati, to discuss the
11 subject matter of this motion, pursuant to Federal Rule of Civil Procedure 37 and Civil Local
12 Rule 37-1(a).

13 3. On May 1, 2008, I called Ms. Tippet to inform her of Plaintiff's request to
14 conduct limited expedited discovery through on-site inspection and videography of Defendants'
15 property located at 168 Isabella Avenue, Atherton, California, including the rooms, closets, and
16 limited items located on the property. I explained Plaintiff's position that initiating such limited
17 discovery prior to the Rule 26(f) conference was necessitated by the fact that Defendants'
18 property is listed for sale, and it was unpredictable whether the property would be sold to a third
19 party before Plaintiff could conduct an on-site inspection according to the normal discovery
20 procedures and timeline. Consequently, I requested a stipulation to allow Plaintiff to conduct
21 such limited expedited discovery. I also requested a stipulation to expedite the briefing and
22 hearing schedule on a motion for expedited discovery, should the parties be unable to resolve this
23 matter short of a motion.

24 4. During our conversation on May 1, Ms. Tippet informed me that she did not see
25 why Plaintiff was requesting this discovery and that she believed her clients would not agree to
26 an inspection of their property, but that she would contact them to discuss the matter. I
27 explained Plaintiff's position that Defendants' property, where Plaintiff lived and worked for
28 Defendants, was the key piece of physical evidence in this case.

1 5. On May 2, 2008, Ms. Tippet sent me an e-mail informing me that she had not yet
2 reached Defendants but that she had no reason to believe their house was in escrow or its sale
3 was imminent.

4 6. On May 2, I emailed Ms. Tippet in response. I informed Ms. Tippet that
5 Plaintiff's concern was not limited to whether the house was in escrow or its sale was imminent,
6 but that the situation remained exigent due to the lack of predictability as to when any buyer
7 could submit an offer that Defendants would accept. As a compromise to resolve this matter
8 short of a motion, I proposed that the parties stipulate that: (a) Defendants neither have any
9 outstanding offers to purchase their property, nor have plans to make alterations to its physical
10 structure within the next 5 months; and (b) should these circumstances change and Defendants
11 either receive and consider an offer on their property or decide to make alterations to its physical
12 structure at any time before Plaintiff has had the opportunity to inspect it, Plaintiff would be
13 immediately informed of any such development and be allowed immediate entry to conduct an
14 on-site inspection.

15 7. On May 5, 2008, Ms. Tippet left me a voicemail message stating that Defendants
16 were amenable to a stipulation whereby they would alert Plaintiff within 72 hours of any
17 accepted offer on their residence or any planned alterations to the physical structure of the house.
18 In response, I called Ms. Tippet to ask if Defendants agreed to stipulate to the second part of
19 Plaintiff's request for immediate entry to conduct an on-site inspection should Defendants accept
20 an offer on their house. Ms. Tippet informed me that Defendants would not stipulate to
21 Plaintiff's request that she be allowed entry to inspect and videograph Defendants' residence,
22 either upon 72 hours' notice of an accepted offer or otherwise. Ms. Tippet did not offer any
23 alternatives to Plaintiff's stipulation.

24 8. On May 5, I informed Ms. Tippet that providing 72 hours' notice of an accepted
25 offer without also granting entry for inspection did not address Plaintiff's larger concern that
26 once an offer is accepted, Defendants' property may be tied up in the hands of a third party, and
27 sold and transferred before Plaintiff could conduct an on-site inspection according to the normal
28 discovery procedures and timeline.

1
2 9. On May 22, 2008, I checked the Internet to see if the Defendants' residence is still
3 on the market. The house is listed for sale on at least a dozen websites, including a Coldwell
4 Banker site (located at
5 [http://www.californiamoves.com/property/propertydetails.aspx?propertyguid=afcad682-cc4d-](http://www.californiamoves.com/property/propertydetails.aspx?propertyguid=afcad682-cc4d-4622-b7f1-b04bd470d37e&WT.mc_ID=2018100000000000)
6 [4622-b7f1-b04bd470d37e&WT.mc_ID=2018100000000000](http://www.californiamoves.com/property/propertydetails.aspx?propertyguid=afcad682-cc4d-4622-b7f1-b04bd470d37e&WT.mc_ID=2018100000000000)); yahoo; zillow; trulia; and the
7 webpage of Defendants' realtor (located at <http://www.hannacb.com/>) . Defendants' house is
8 also advertised for sale on the Prudential Nevada Realty website (located at
9 <http://www.prunevada.com/fineHomesDetail.aspx?listingid=2-804072&src=propSearch>) and the
10 Prudential Texas Realty website (located at
11 [http://www.prudentialtexasrealty.com/propertyDetail.aspx?listingid=2-](http://www.prudentialtexasrealty.com/propertyDetail.aspx?listingid=2-804072&src=propSearch)
12 [804072&src=propSearch](http://www.prudentialtexasrealty.com/propertyDetail.aspx?listingid=2-804072&src=propSearch)). All the sites I found included photos of Defendants' residence.

13 10. My office has been in discussions with expert consultants who have stated that the
14 size, dimensions, and physical characteristics of a residence are indicative of the nature of the
15 duties and hours of work required to clean and maintain the residence, and that an on-site
16 inspection would be critical in collecting information to corroborate the nature of the duties and
17 hours of work.

18
19 I declare, under penalty of perjury under the laws of California and the United States, that
20 the foregoing is true and correct. Executed this 22nd day of May 2008 in San Francisco,
21 California.

22
23 s/Christina Chung
24 CHRISTINA CHUNG
25
26
27
28